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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,746	01/26/2006	Bo Stenvall	10400-000139/US	9316

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER

HERRING, BRENT W

ART UNIT	PAPER NUMBER
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3633

MAIL DATE	DELIVERY MODE
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03/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/522,746	Applicant(s) STENVALL, BO	
	Examiner BRENT W. HERRING	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 3, 2009 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the serrated section of the anchoring member must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

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changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 14, and 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 depends on claim 14, itself, so therefore the scope of the claim cannot be resolved.

Claims are examined as best understood. As such, claim 14 is being examined as having dependence from independent claim 11.

5. Claims 2-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Particularly regarding claims 11 and 15, it is unclear whether applicant intends to claim the combination of a device and a glass wall cladding comprising insulating-glass sheets, or just the device comprising a retainer member and an anchoring member. As set forth in the body of the claims, it seems that applicant only intends to claim the device comprising the retaining member and the anchoring member. However, the preamble contradicts the body in appearing to claim the device in combination with a glass cladding.

Claims are examined as best understood. In the instant case, the claims have been examined as being drawn to the subcombination of the device comprising the retaining member and the anchoring member. As such, the window cladding and the insulating glass-sheets have been treated as intended use.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

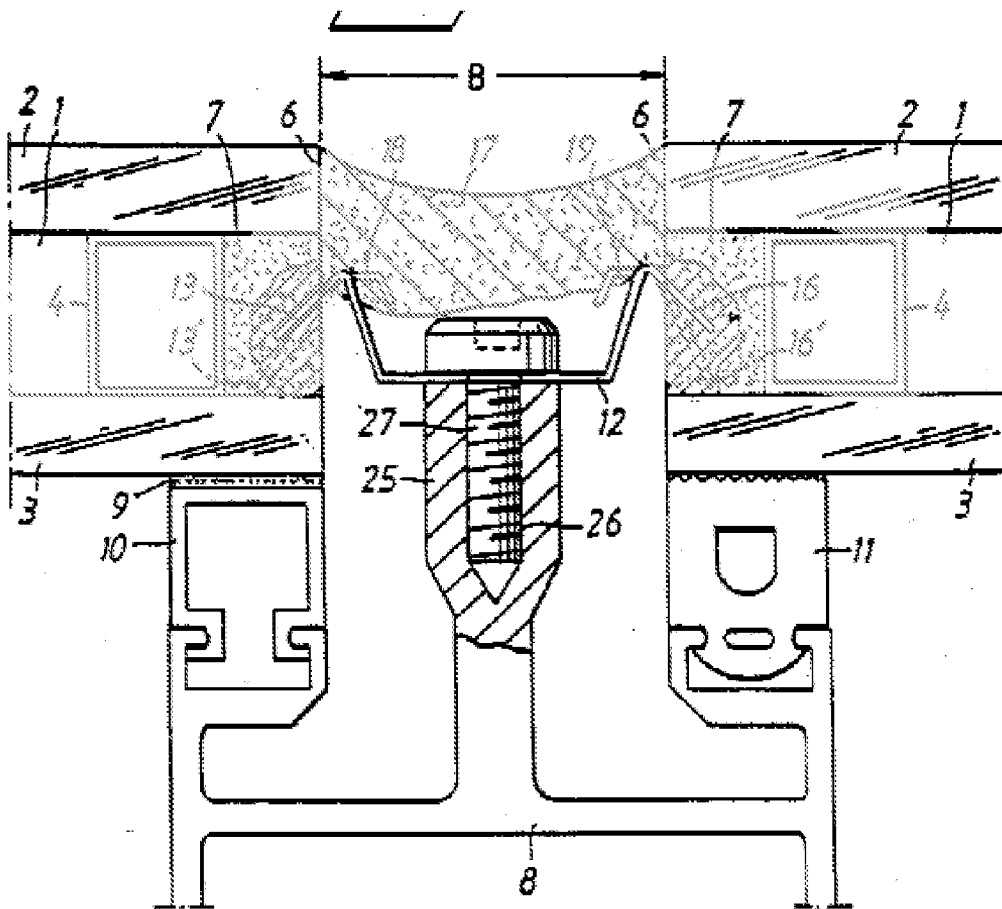
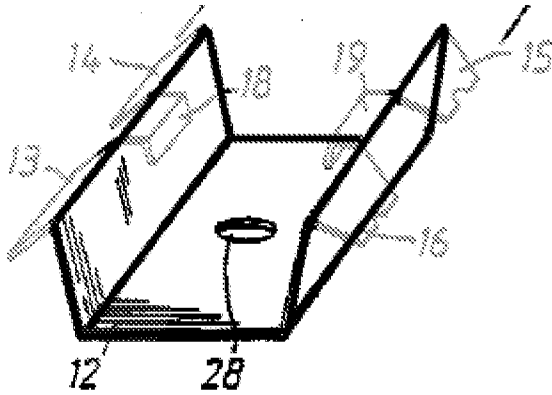
Claim Rejections - 35 USC § 102

7. Claims 2-5, 7-9, 11-14, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Jansson, US 5,493,831.

Regarding claim 11:

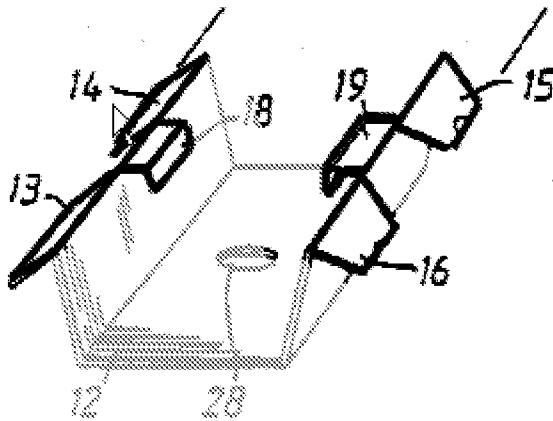
'831 discloses a device that is *capable of being used in glass wall claddings capable of mounting insulating glass-sheets, each glass sheet having at least two glass slabs which are joined together by a jointing substance, said device comprising:*

- a retainer member (12, 8, see modified Figs. 1, 2 below)



- an anchoring member (13-16, 18, 19, see modified Fig. 2, below)

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Wherein said retainer member has an articulated connection to said anchoring member (see Figs. 3a, 3b, wherein there is a flexible joint between the portions), such that said anchoring member is rotatable from a first position of rest (Fig. 3a, note that the tool acts to hold the anchoring member at rest) to a second position (see Fig. 3b), in said first position, said device, upon mounting of said insulating-glass sheet, allows the insulating glass sheet to be placed in a desired position, and in said second position, upon mounting of an insulating-glass sheet, said device grips at least one glass slab of said insulating glass sheet, wherein a portion of the anchoring member, upon mounting of a sheet, is arranged to penetrate into said jointing substance of an insulating-glass sheet as the anchoring member of the device is guided from said first position to said second position, in response to the anchoring member being tilted to said second position.

Regarding claim 2:

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'831 discloses claim 11, wherein said anchoring member comprises a second part (18, 19) arranged to travel in a groove formed in said retainer (the groove formed in 12, see Fig. 1).

Regarding claim 3:

'831 discloses claim 2, wherein said second part (18, 19), is joined to said first part by an interconnecting device (the fold crease between the retaining member portion 12 and the anchoring member).

Regarding claim 4:

'831 discloses claim 3, wherein said interconnection device is arranged to lock the device in said second position (see Fig. 1, wherein it is arranged to be locked in by jointing material 17).

Regarding claim 5:

'831 discloses claim 11, wherein said anchoring member part, which upon displacement penetrates into said joining substance, has a length along the lateral edge of the insulating-glass sheet that exceeds the spacing between two juxtaposed insulating glass sheets (see Figs. 1, 2).

Regarding claim 7:

'831 discloses claim 2, wherein said groove is undercut (see modified Figs. 2 above) and wherein said anchoring member is arranged for tilting movement about an axis adjacent and along the opening of said groove (see Fig. 2).

Regarding claim 8:

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'831 discloses claim 11, wherein said anchoring member is formed with protruding and a spring-biased device (tab 18), said device, upon movement of said anchoring member from said first position to said second position, fitting in said second position into recesses (channel opening) of complementary configuration formed on the retainer member

Regarding claim 9:

'831 discloses claim 11, wherein said retainer member is provided with resilient mouldings (11, see Fig. 1) arranged to abut against the insulating-glass sheets.

Regarding claims 12 and 16:

'831 discloses claims 11 and 14, wherein said anchoring member is separable from said retainer member. Note that the anchoring member could be separated by means of a saw or other cutting means.

Regarding claims 13 and 17:

'831 discloses claims 11 and 14, wherein said articulated connection is a hinged connection. Note that a "hinged" connection is drawn to a flexible piece upon which rotation or swinging occurs.

Regarding claim 14:

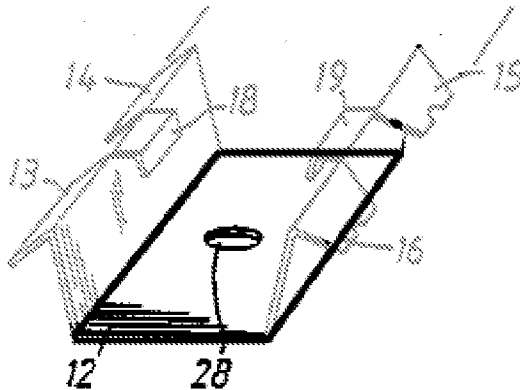
'831 discloses claim 11, wherein said anchoring member is rotatable from a first position of rest to a second position of rest. As explained above, a "position of rest" is one in which motion does not occur. The tongs of '831 provide for a position of rest.

8. Claims 11 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Jansson ('831).

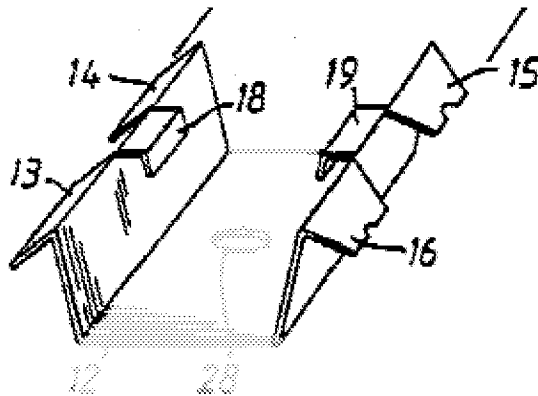
Regarding claim 11:

'831 discloses a device that is *capable of being used in glass wall claddings capable of mounting insulating glass-sheets, each glass sheet having at least two glass slabs which are joined together by a jointing substance, said device comprising:*

- a retainer member (12, 8, see modified Fig. 2 below)



- an anchoring member (13-16, 18, 19, see modified Fig. 2 below)



Wherein said retainer member has an articulated connection to said anchoring member (see Figs. 3a, 3b, wherein there is a flexible joint between the portions), such that said anchoring member is rotatable from a first position (Fig. 3a) to a second position (see Fig. 3b), in said first position, said device, upon mounting of said insulating-glass sheet, allows the insulating glass sheet to be placed in a desired position, and in said second position, said device grips at least one glass slab of said insulating glass sheet, wherein a portion of the anchoring member, upon mounting of a sheet, is arranged to penetrate into said jointing substance of an insulating-glass sheet as the anchoring member of the device is guided from said first position to said second position, in response to the anchoring member being tilted to said second position.

Regarding claim 10:

'831 discloses claim 11, wherein said anchoring member comprises a resilient portion (13-16, 13'-16') on the face of the anchoring member (12) that in use is turned towards the edge of the glass slab (3, see Fig. 1) for abutment of said portion against said edge.

Claim Rejections - 35 USC § 103

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jansson ('831) in view of Galbraith, US 4,766,709.

Regarding claim 6:

'831 discloses claim 5, but does not expressly disclose wherein said part of the anchoring member is serrated.

'709 discloses a device with a part of an anchoring member (142) that is serrated (see Fig. 9).

'831 and '709 are analogous art because they are from the same field of connecting double-paned adjacent windows.

At the time of the invention, it would have been obvious to a person of ordinary skill in anchor member serrations as taught by '709 with the anchoring member of '831.

The motivation to combine would have been to provide a firmer grip between the anchoring member and the paneling to impede unintended separation.

10. Claims 11-18 as best understood are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Knight et al., US 49,535.

Regarding claim 11:

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'535 discloses a device capable of being used in glass wall claddings for mounting insulating-glass sheets, each glass sheet having at least two glass slabs which are joined together by a jointing substance, said device comprising:

a retainer member (eye hole, see Figure); and

an anchoring member (A, B),

wherein said retainer member has an articulated connection to said anchoring member, such that said anchoring member is rotatable from a first position of rest to a second position,

in said first position, said device, *upon* mounting of said insulating-glass sheet, allows the insulating-glass sheet to be placed in a desired position, and

in said second position, upon mounting of said sheet, said device is capable of gripping at least one glass slab of said insulating-glass sheet,

wherein a portion of the anchoring member (B), upon mounting of a glass sheet, is arranged to penetrate into said jointing substance of a glass sheet as the anchoring member of the device is guided from said first position to said second position, in response to the anchoring member being tilted to said second position.

Note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. In the instant case, the device is being claimed as a subcombination wherein the particulars of

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the glass wall claddings are drawn to functional language. The limitations are met wherein the structure of the device is CAPABLE of being used with the insulating glass-sheets.

Should applicant argue that the device of '535 is not "in a glass cladding," note that it would have been obvious to a person of ordinary skill in the art that a "shutter" as disclosed by '535 is generally associated with a window comprised of glass.

Thereby, it would have been obvious to a person of ordinary skill in the art to use the shutter fastener of '535 in a glass cladding.

The motivation to combine would have been to protect the glass cladding from damage.

Regarding claims 12 and 16:

'535 discloses claims 11 and 14, wherein said anchoring member is separable from said retainer member (see Figure)..

Regarding claims 13 and 17:

'535 discloses claims 11 and 14, wherein said articulated connection is a hinged connection.

Regarding claim 14:

'535 discloses claim 11, wherein said anchoring member is rotatable from said first position of rest to a second position of rest.

Regarding claim 15:

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'535 discloses a device usable in glass wall claddings for mounting insulating-glass sheets, each glass sheet having at least two glass slabs which are joined together by a jointing substance, said device comprising:

a retainer member (eye hole, see Figure); and

an anchoring member (A, B),

wherein said retainer member has an articulated connection to said anchoring member, such that said anchoring member is rotatable from a first unbiased position to a second position,

in said first position, said device, *upon* mounting of said insulating-glass sheet, allows the insulating-glass sheet to be placed in a desired position, and

in said second position, upon mounting of said sheet, said device is capable of gripping at least one glass slab of said insulating-glass sheet,

wherein a portion of the anchoring member (B), upon mounting of a glass sheet, is arranged to penetrate into said jointing substance of a glass sheet as the anchoring member of the device is guided from said first position to said second position, in response to the anchoring member being tilted to said second position.

Regarding claim 18:

'535 discloses claim 14, wherein said anchoring member is rotatable from a first unbiased position to a second unbiased position.

Response to Arguments

11. Applicant's arguments filed February 2, 2009 have been fully considered but they are not persuasive.

12. Regarding applicant's argument that a detailed illustration of the claimed invention is not required per MPEP 37 CFR 1.83(a), note that 37 CFR 1.83(a) reads,

“However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, **should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation** (e.g., a labeled rectangular box).”

As such, the objection to the drawings is maintained.

13. Regarding applicant's argument that Jansson fails to disclose wherein, “said retainer member has an articulated connection to said anchoring member, such that said anchoring member is rotatable from a first position of rest to a second position,” examiner notes that “articulated” is drawn to parts united by a joint which is disclosed by Jansson and further wherein said connection enables rotation. Regarding the addition of the limitation “a first position of rest,” note that Jansson teaches a first position that is at rest when engaged by the tongs shown in Fig. 3a of Jansson. The fact that the tongs enable the device to be held at the first position of rest does not negate the fact that the device is at rest.

14. Applicant's arguments with respect to claims 12-18 have been considered but are moot in view of the new ground(s) of rejection.

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15. Applicant's arguments with respect to the objection of claim 5 has been fully considered and is persuasive. The objection of claim 5 has been withdrawn.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENT W. HERRING whose telephone number is (571)270-3661. The examiner can normally be reached on Monday-Thursday, 8:00AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian E. Glessner can be reached on (571)272-6847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRENT W HERRING/
Examiner, Art Unit 3633

/Robert J Canfield/

Supervisory Patent Examiner, Art Unit 3635